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REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claims 1-16 and 18-20 as being anticipated by U.S. Patent No. 5,335,618 to Zarola in view of U.S. Patent No. 2,538,778 to Halpin and in further view of U.S. Patent No. 1,561,658 to Mosier.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

See Also In Re Fine, 837 F.2d 1596, 1598-99 (Fed Cir. 1988).

Regarding claim 1, it is respectfully submitted that the reference to Zarola does not suggest any combination with the

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embodiments shown in Halpin or Mosier nor do any of those references suggest any combination with any of the other references. Zarola relates to a collapsible animal enclosure and does not suggest a combination with a stroller. It appears that Zarola even teaches away from combining with a stroller. For example, FIG. 1 of Zarola discloses an extensively elongated container wherein it is respectfully submitted that it would be impractical to combine this elongated container with a stroller. In addition, in column 4, lines 23-27 it lists the uses for the device such as "The house unit may be used alone or it may alternatively be attached to the extension or run unit 12 in order to provide an extended confined area for a pet to sleep, eat, and exercise." Therefore it is respectfully submitted that there is no suggestion for any combination with a stroller.

In addition, Halpin, also does not suggest a combination with a stroller.

Furthermore, the combination of all of the references does not teach all of the claim limitations. In particular, Mosier does not disclose:

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a plurality of rails comprising a first set of substantially vertical rear rails and a second set of substantially curved rails

Because none of the references discloses this feature, and there is no suggestion to combine these references, it is respectfully submitted that claim 1 and dependent claims 2-19 are patentable over the above cited references taken either singly or in combination.

Regarding Claims 20 and 21, it is respectfully submitted that there was no explicit suggestion for the combination of the above cited references, in particular, the references to Zarola, Halpin, or Mosier.

In particular, Zarola and Halpin relate to carriers or containers while Mosier relates to a cart. It is respectfully submitted that there is no suggestion to combine these references in any section of the documents. Therefore early allowance of these claims is requested.

The Examiner has rejected claims 1-16 and 18-20 under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Nos. 5,113,793

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to *Leader* in view of U.S. Patent No. 5,335,618 to *Zarola* and U.S. Patent No. 2,538,778 to *Halpin*.

This rejection is respectfully traversed.

Claim 1 has been written to state that the tray is disposed directly on the bottom section.

For example, the present invention as claimed in claim 1 includes the following three features:

- 1) an enclosure frame comprising "a plurality of semicircular hoop portions and a plurality of cross bars"
- 2) a flexible netting; and
- 3) a handle.

It is respectfully submitted that *Leader* does not suggest any use of these items nor does it suggest any combination with the disclosures of *Zarola* and *Halpin* to arrive at the above identified invention. For an Examiner to make an obvious type rejection, there must be some suggestion or motivation to combine

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the references; See MPEP 2143. See Also In Re Fine, 837 F.2d 1596, 1598-99 (Fed Cir. 1988).

The above features make the design much more attractive than in *Leader* which uses a wire cage which is substantially rectangular in shape. In addition, there is no handle disposed on the cage.

Furthermore, while the device in *Leader et al* discloses a pet stroller, the devices in *Zarola* and *Halpin* are not pet strollers at all but simply animal enclosures. Neither *Zarola* nor *Halpin* suggest using these disclosed enclosures with a pet stroller such as disclosed in *Leader*.

It is respectfully submitted that claim 1 is patentable over the above cited references taken either singly or in combination. In addition, it is respectfully submitted that because claims 2-19 depend from claim 1, these claims are also allowable.

Independent claim 20 is also being presented. Amended claim 20 includes a few significant features. First there is "at least one handle which extends lengthwise along the enclosure". This

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feature is disclosed in FIG. 1. In addition, there is recited:

v) a fabric cover covering approximately one half of the length of said enclosure said fabric cover being ~~mounted over~~ coupled to at least two of the frame components.

This feature is disclosed on pages 5 and 8 of the specification. Both of these features are not disclosed in Leader, Zarola, Halpin or Ludolph.

In addition claim 20 discloses an enclosure that is made from:

a plurality of semicircular hoop portions and a plurality of crossbars...

a flexible netting material secured to said enclosure frame and substantially covering said outer section of said enclosure;

These features are not disclosed in Leader. For example, Leader discloses a cage such as recited in column 1 line 5 of that patent. The cage disclosed in Leader is a square, bulky cage. Therefore, is respectfully submitted that Leader would then teach away from combining with a curved or hoop shaped container with flexible netting material. Therefore, it is respectfully submitted that new claim 20 is patentable over the above cited references taken either singly or in combination.

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In addition, new claim 21 is being presented. New claim 21 includes the following features:

...at least one handle mounted to said enclosure for carrying said enclosure; and

"a fabric cover extending over at least one of the semicircular hoop portions of the frame"

These features have not been both disclosed in a single one of the above cited references. In addition it is respectfully submitted that there is no suggestion to combine these references together to form these features. The features including the handle create a portable enclosure that can be lifted off of a stroller platform and easily transported while providing extensive comfort for an animal. Therefore, it is respectfully submitted that claim 21 is patentable over the above cited references.

In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

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Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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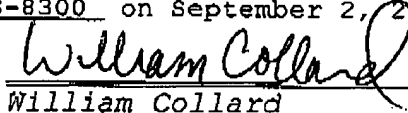
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Enclosure: RCE

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I hereby certify that this correspondence is being sent by facsimile transmission to the U.S.P.T.O. to Patent Examiner A. M. Valenti at Group No.3643, to 1-571-273-8300 on September 2, 2005


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